

**REMARKS**

Claims 1-10 have been rejected under 35 USC 103(a) as unpatentable over Marron in view of Kondoh. The rejection is respectfully traversed.

The Examiner comments, in Response to Arguments on page 1, that the “Kondoh reference provides for periodic structure on at least a part of a wall...so that the periodic structures serve as a filter that has a non-propagating frequency band...[where] the wall structure blocks a band of frequencies and passes the other bands....Thus, applicant’s amended claim language is made obvious by the Kondoh reference.” Applicant’s respectfully disagree.

Kondoh discloses a high frequency communication device which can reduce undesired electromagnetic coupling inside and outside a box. In this regard, the high frequency device may be a receiver, transmitter and a transmitter-receiver device, and an antenna may be disposed at any position in the inside or outside of the box or on a wall surface of the box. There is, however, no teaching or suggestion of communication between the base station and the response transmitter using at least one frequency range, and simultaneously determining whether the base station and response transmitter are on a same side of the wall using at least another one of the frequency ranges, as required by the claimed invention (as amended).

Significantly, two frequencies are being used during the communication simultaneously. That is, these actions are occurring continuously (i.e. simultaneously). The Examiner's point, on the other hand, is that the Kondoh reference provides for periodic structure on part of a wall which allows some frequency bands to pass through the walls, while others may not. However, the present invention allows passing and not passing of frequencies continuously (or simultaneously). Kondoh fails to teach or suggest this feature.

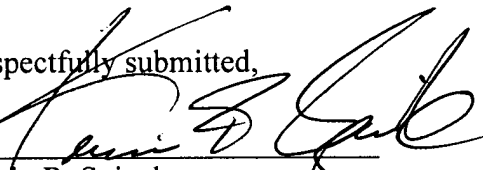
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is

determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122005400. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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